

## EXHIBIT F



## DRAFT REVISION ORDER

**SUBJECT: REVISION TO PATROL GUIDE 212-49, "INCIDENTS INVOLVING MEDIA REPRESENTATIVES"**

DATE ISSUED:	REFERENCE:	NUMBER:
<b>03-27-25</b>	<b>*P.G. 212-49</b>	<b>DRAFT 2</b>

1. In order to provide uniformed members of the service updated guidelines on how to respond to incidents involving members of the press, Patrol Guide 212-49, "Incidents Involving Media Representatives" is being revised.

2. Therefore, Patrol Guide 212-49, "Incidents Involving Media Representatives" is **SUSPENDED** and the following procedure titled, Patrol Guide 212-49, "Incidents Involving Members of the Press" shall be complied with:

<b>PURPOSE</b>	To cooperate with members of the press by not interfering or allowing others to interfere with media personnel acting in their news gathering capacity.
<b>DEFINITIONS</b>	<p><b>MEMBER OF THE PRESS:</b> An individual who gathers, reports, or licenses news or content, for the purpose of publishing, broadcasting, or cablecasting articles, commentaries, books, photographs, video, film, or audio by electronic, print, or digital media such as radio, television, newspapers, magazines, wire, books, and the Internet, including but not limited to an employee of a news-gathering organization, independent contractor, freelancer, or a self-employed person. If <u>accessing an area that the general public has access to, this individual does not necessarily need a press pass to be considered a member of the press.</u></p>
<b>PROCEDURE</b>	<p><b>MAYOR'S OFFICE OF MEDIA AND ENTERTAINMENT (MOME) PRESS CREDENTIAL:</b> A City of New York Press Card issued by MOME's Press Credentials Office which allows the bearer to pass NYPD/city official lines and attend official City-government sponsored events open to the press.</p>
<b>UNIFORMED MEMBER OF THE SERVICE</b>	<p>To provide members of the press access to cover newsworthy events:</p> <ol style="list-style-type: none"> <li>1. Adhere to the following guidelines unless safety interests or proper performance of police duties require otherwise:             <ol style="list-style-type: none"> <li>a. Members of the press will be given access as close to the activity as possible, with a clear line of sight and within hearing range of the incident, <u>unaided by any electronic device</u>.</li> <li>b. To the extent it is feasible to do so, press access to demonstrations on private property will not be impeded by the Department.</li> <li>c. When incidents spill over or occur on private property, members of the press will not be arrested for criminal trespass, unless an owner or representative expressly indicates that the press is not to be permitted to enter or remain on the property.</li> <li>d. If the ranking officer at the incident determines that press access must be restricted in certain circumstances (i.e., in order for the</li> </ol> </li> </ol>

Department to carry out its law enforcement functions), they retain the discretion to do so.

**NOTE**

*Only MOME-issued Press Cards holders are entitled to cross police and fire lines. This right will be honored and access will not be denied. However, this does not include access to interior crime scenes or areas designated off-limits for security reasons.*

*Additionally, in certain instances, MOME-issued Press Card holders may be required to leave a particular area but should be allowed to remain as close as is safely possible to the area of concern in order to capture any police action.¶*

*¶ During a First Amendment Activity, MOME press place holders are not required to leave an area, if NYPD has ordered persons to leave an area, but shall move to a safe location. At the discretion of the Incident Commander, members of the press may be directed to move to a different location where, to the fullest extent possible, they may still see and hear (unaided by an electronic device) ongoing newsworthy events and will not be subject to arrest for documenting police activity or for not leaving the general area. See P.G. 213-XX, "Tiered Response to Policing First Amendment Activities."*

**UNIFORMED MEMBER OF THE SERVICE  
(continued)**

2. Determine if any threat to safety of members of the press exist and take appropriate action.
3. Request response of the patrol supervisor.
4. Take enforcement action, as necessary.

**PATROL SUPERVISOR**

5. Cooperate with and assist members of the press and provide safe access to the scene, if possible.
6. Conduct immediate investigation if a member of the press is assaulted, harassed or their vehicle/equipment is vandalized/damaged.
7. Attempt to obtain third party witnesses if confrontation with members of the service or others.
8. Request all parties, including witnesses, if possible, to report to precinct of occurrence for further investigation, when necessary.
9. Notify without delay:
  - a. Office of the Deputy Commissioner, Public Information,
  - b. Desk Officer, and
  - c. Lieutenant platoon commander.

**NOTE**

*The Office of the Deputy Commissioner, Public Information, is available 24 hours a day, 7 days a week for consultation and/or response to incidents involving the press. Members of the service are required to immediately notify the Deputy Commissioner, Public Information of any incident involving the press, regardless of the outcome of that incident.*

**DESK OFFICER**

10. Notify:
  - a. Commanding officer/executive officer/duty captain, and
  - b. Operations Unit.

**LIEUTENANT PLATOON**

11. Respond to command, if in the field, and under the supervision of the commanding officer/executive officer/duty captain, conduct investigation

**COMMANDER** of incident.

**NOTE** *The commanding officer/executive officer/duty captain will perform the duties of the lieutenant platoon commander, if the platoon commander is unavailable.*

**LIEUTENANT PLATOON COMMANDER (continued)** 12. Prepare report on **Typed Letterhead** containing details of incident and results of investigation and forward to:  
a. Chief of Patrol/bureau chief concerned,  
b. Borough commander concerned,  
c. Commanding Officer, Public Information Division, and  
d. Command file.

**NOTE** *The Office of Deputy Commissioner, Public Information will maintain a central repository of all reports received of incidents involving members of the press.*

**COMMANDING OFFICER/DUTY CAPTAIN** 13. Forward supplementary report, if necessary.  
14. Respond to command and supervise the investigation and preparation of the report by the lieutenant platoon commander.

**NOTE** *The Mayor's Office of Media and Entertainment (MOME) is available to confirm the validity of press credentials. Members of the service needing to verify press credentials may contact the Operations Unit for the MOME phone number and any other relevant contact information.*

*Members of the service will not interfere with the videotaping or the photographing of incidents or any member of service in public places. Intentional interference such as blocking or obstructing cameras or harassing the photographer constitutes censorship. Members of the press shall have access to any location where the public is permitted access. Additionally, members of the service may not put up police line barrier tape or establish frozen zones for the purpose of preventing members of the press from viewing or recording the scene from a public place.*

*Members of the service will no longer be permitted to seize a press credential under any circumstances, except when seized in the normal course of an arrest and held for safekeeping like other types of non-evidentiary, non-investigatory personal property.*

*Members of the service may not take any police action in retaliation for individuals expressing a viewpoint, engaging in First Amendment activities, or lawfully exercising their right to witness, observe, record, comment on, or protest police activity.*

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**NOTE  
(continued)**

*If a member of the press is arrested for any 'Red Light' offense(s) as specified in P.G. 213-~~XX~~ "Tiered Response to Policing First Amendment Activities," and presents a MOME-issued press credential or an official government-issued press credential from another jurisdiction or government agency, the processing of that arrest shall be approved by the incident commander or ranking member from DCPI at the time of the arrest. If such member of the press is arrested for a Criminal Court summonses-eligible 'Red Light' offense, the presumption shall be that the arrested member of the press will be issued the summons on scene, if eligible. Such arrested member of the press may be removed to an arrest processing facility or otherwise transported to another location only in those instances where the incident commander determines that issuing the summons on scene would create a health and/or safety risk to members of the service or any other individual. In the event the member of the press presents a government-issued press credential from another jurisdiction or government agency, this shall be verified, to the extent possible, at the time of the encounter. In a circumstance where the validity of the press credential is unable to be verified on scene, officers shall consider the following as indicia of the credential being valid: the identification contains a name which matches another form of identification, contains a photograph of the individual, details the issuing city or agency, includes the associated media outlet or indicates whether that individual is independent, includes an expiration date, or includes a serial or identification number. Members should confer with DCPI, if necessary.*

3. Upon publication, this Revision Order has been incorporated into the On-Line Patrol Guide.

4. Any provisions of the Department Manual or any other Department directives in conflict with the contents of this Order are suspended.

**BY DIRECTION OF THE POLICE COMMISSIONER**

**DISTRIBUTION**

**All Commands**

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